

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Alex Antonio Graham

Docket No. 7:07-CR-44-1BO

Petition for Action on Supervised Release

COMES NOW Erik J. Graf, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Alex Antonio Graham, who upon an earlier plea of guilty to Conspiracy to Possess With Intent to Distribute a Quantity of Heroin in violation of 21 U.S.C. § 841(a)(1) and two counts of Possession of a Firearm by a Convicted Felon in violation of 18 U.S.C. § 922(g)(1), was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on November 15, 2007, to the custody of the Bureau of Prisons for a term of 120 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 36 months.

On April 22, 2013, the two counts of Possession of a Firearm by a Convicted Felon were vacated. Graham's conviction for Conspiracy to Possess With Intent to Distribute a Quantity of Heroin remained unaffected.

Alex Antonio Graham was released from custody on May 1, 2015, at which time the term of supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On January 27, 2017, Graham tested positive for marijuana. He later provided a verbal admission of use citing stress as the reason he used marijuana.

On February 14, 2017, the probation office was contacted by a member of the United States Marshals Fugitive Task Force and advised that Graham was known to be in the company of another individual on federal supervision who was being sought in connection with a murder in Wilmington, North Carolina, and that Graham was questioned by task force members about his knowledge of the assailants whereabouts. Graham has conditions of supervision which include he "...not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony..." and that he "...notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer." Graham violated the terms of his probation by being in the company of a fugitive and then failed to inform the probation officer of his contact with law enforcement within 72 hours.

Graham was verbally admonished for being in the company of the fugitive and for failing to report contact with law enforcement to his supervising officer. Graham has agreed to participate in the DROPS program and participate in mandatory substance abuse treatment in response to his use of marijuana.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days;

2. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Robert L. Thornton
Robert L. Thornton
Supervising U.S. Probation Officer

/s/ Erik J. Graf
Erik J. Graf
U.S. Probation Officer
2 Princess Street, Suite 308
Wilmington, NC 28401-3958
Phone: 910-679-2031
Executed On: February 23, 2017

ORDER OF THE COURT

Considered and ordered this 24 day of February, 2017, and ordered filed and
made a part of the records in the above case.

Terrence W. Boyle
Terrence W. Boyle
U.S. District Judge